

*Serial No. 09/737,459
Filing Date: December 14, 2000
Amendment and Response to Office Action
Page 7 of 12*

REMARKS

In response to the non-final Office Action October 19, 2005, the Attorney for the Assignee submits the appended amendments and remarks. Claims 1-25, including independent claims 1, 7, and 17 are pending in the present application. Claims 7 and 17 have been amended in the present response. Claims 23 – 25 have been added by the present response, and claim fees are included. A Petition for Two-Month Extension of Time and fee have been concurrently filed with the present response. The present amendment and response is believed to traverse all of the prior Office Action rejections, and allowance of the pending claims is kindly requested.

I. REJECTION OF CLAIMS 7 – 11 and 15 – 22 UNDER 35 U.S.C. 102

The Office Action rejected claims 7 – 11 and 15 – 22 under 37 C.F.R. § 102(e) as being unpatentable over Lent et al. (U.S. Patent No. 6,405,181, hereinafter “*Lent*”). Independent claims 7 and 17 have been amended to include the element, “receiving at least one selection of a type of pre-approved offer the consumer desires to receive”. In addition, claims 7 and 17 have been amended to include the elements, “selecting a pre-approved offer from a plurality of offers from multiple merchants based at least partially on the credit history data of the consumer and the selection of the at least one type of pre-approved offer the consumer desires to receive,” (underlining supplied), and “selecting for the consumer at least one pre-approved offer based on at least one consumer data record associated with the consumer and the selection of the at least one type of pre-approved offer the consumer desires to receive” (underlining supplied), respectively. For at least these and the following reasons, the anticipation rejection is respectfully traversed.

Serial No. 09/737,459
Filing Date: December 14, 2000
Amendment and Response to Office Action
Page 8 of 12

Lent relates to a system and method for providing approval of credit over a network. Specifically, *Lent* describes a method for obtaining a credit report from a credit bureau for an applicant and then determines whether to accept the applicant using the credit report data. (*Lent*, Abstract). Unlike amended claims 7 and 17, *Lent* does not relate or suggest receiving at least one selection of a type of pre-approved offer the consumer desires to receive. Furthermore, *Lent* does not relate or suggest selecting a pre-approved offer from a plurality of offers from multiple merchants based at least partially on the credit history data of the consumer and the selection of the at least one type of pre-approved offer the consumer desires to receive, or selecting for the consumer at least one pre-approved offer based on at least one consumer data record associated with the consumer and the selection of the at least one type of pre-approved offer the consumer desires to receive. Instead, *Lent* relates to selection of an offer based on a credit report object or other credit related data entered by an applicant. (*Lent*, Col. 13, lines 20-60). *Lent* does not disclose or suggest that an applicant can select and enter a preference of at least one type of pre-approved offer the consumer desires to receive. Therefore, amended independent claims 7 and 17 should be allowable over the cited reference.

Since claims 8 – 11, 15 – 16, and 18 – 22 are ultimately dependent from either amended claim 7 or 17, these dependent claims should also be allowable over the cited reference.

II. REJECTION OF CLAIMS 12 – 14 UNDER 35 U.S.C. 103

The Office Action concedes that *Lent* does not teach receiving preference criteria and pre-approving the offer based on preference criteria or market activity. *See* Office Action, p. 8, paragraph 10. However, the Office Action rejected claims 12 – 14 under §

*Serial No. 09/737,459
Filing Date: December 14, 2000
Amendment and Response to Office Action
Page 9 of 12*

103(a) as being unpatentable over *Lent*. Official Notice was taken that "multiple financial factors can be taken into consideration for pre-approving a credit offer. Therefore it would have been obvious ... to modify the teachings of Lent and include these factors because they relate to the financial history and financial capabilities of a consumer and thus influences the ability to extend credit." See Office Action, p. 8, paragraph 10.

The alleged noticed facts are in error and do not provide sufficient evidence to support the Office Action rejection. Preference criteria need not be related to financial history and/or financial capabilities of a consumer. For example, if a consumer wanted to receive only credit card offers, and not auto loan offers, home mortgage offers, wireless telephone offers, and types of offers, the consumer preference for a particular type of offer may not necessarily be based or related to financial history or financial capabilities of the consumer. In this example, the consumer's preference for credit card offers is not indicative of the financial history or capabilities of the consumer, and may indicate only a preference to reduce the overall number of offers to a particular type of offer. For at least the reasons above, the alleged noticed facts stated in the Office Action should be withdrawn, and claims 12 – 14 should be allowable over the cited reference and alleged Official Notice.

III. REJECTION OF CLAIMS 1 – 6 UNDER 35 U.S.C. 103

The Office Action rejected claims 1 – 6 under 37 C.F.R. § 103(a) as being unpatentable over *Lent* in view of Origination News article, "ACI Turns Credit Score Reports Into English." Independent claim 1 includes the element, "generating a summary report of personalized credit-related information based on the credit history data". *Lent* fails to disclose or teach the element, "generating a summary report of personalized

*Serial No. 09/737,459
Filing Date: December 14, 2000
Amendment and Response to Office Action
Page 10 of 12*

credit-related information based on the credit history data." Instead, *Lent* relates to providing an approval or denial of a credit application. *See* Col. 11, lines 36-55. If an application is accepted, then an offer process is executed. *See* Col. 11, lines 36-39. If an application is denied, then a rejection process is executed, including providing a rejection reason. *See* Col. 11, lines 50-55, Col. 12, lines 12-64. Thus, the combination of the cited references does not disclose or suggest each and every element of claim 1, and claim 1 should be allowable over the cited references.

Since claims 2 – 6 are ultimately dependent from claim 1, these dependent claims should also be allowable over the cited references. Therefore, this obviousness rejection is respectfully traversed for at least the reasons provided above.

IV. NEW CLAIMS 23 – 25

The present amendment adds claims 23 – 25. Each of these new claims clarifies that a "merchant" can comprise a financial institution, and a "consumer" can comprise a borrower. These amendments are fully supported by the specification. The specification states that "[c]onsumers, as discussed herein, may include individuals, businesses, or other entities." See paragraph [0033]. Furthermore, the specification also states that "Consumer credit information is typically utilized by merchants, such as credit card issuers and banks, to determine the credit worthiness of a consumer. The credit worthiness of the consumer is in turn used by the merchants to determine if the merchants will enter into a transaction with the consumer. In many instances, the merchant may be a lender which determines if it will enter a loan transaction with the consumer, what amount it will lend to the consumer, and the terms of the transaction, such as interest rate, based

*Serial No. 09/737,459
Filing Date: December 14, 2000
Amendment and Response to Office Action
Page 11 of 12*

upon consumer credit information." See paragraph [0003]. Each of these new claims is believed to be in condition for allowance.

*Serial No. 09/737,459
Filing Date: December 14, 2000
Amendment and Response to Office Action
Page 12 of 12*

CONCLUSION

Claims 1-25 are pending in the application. The Office Action rejections are believed to be traversed by the present amendment and response. Claims 1-25 should now be in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 815-6048 if such contact will facilitate a Notice of Allowance for claims 1-25. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,


Christopher J. Chan
Reg. No. 44,070
Attorney for the Assignee

Date: 20 March 2006

KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309
404.815.6048 (direct)
404.815.6555 (fax)

Attorney Docket No. 40125/280021